

**FILED**  
UNITED STATES DISTRICT COURT

AUG 25 2003

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICOSTATE OF NEW MEXICO *ex rel.*  
State Engineer,Plaintiff,  
v.ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 JEC-ACE

CLERK

RIO CHAMA STREAM SYSTEM  
Rio Cebolla, Section 3

Subfile No. CHCB-003-00015B

**ANSWER TO COMPLAINT FOR ADJUDICATION OF WATER RIGHTS**COMES NOW David & Lydia Archuleta (please print your full name)

and answers the complaint as follows:

Subfile NoObjectClaim No Right

CHCB-002-0010

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1. In answer to Complaint: For each subfile listed above, please **initial** in one of the two boxes to indicate whether you object to the description of water right(s) contained in the State's proposed Consent Order, or whether you make no claim as to the water right(s) described in the State's proposed Consent Order.

If you object to the description of water right(s) and reject the State's proposed Consent Order, or if you make no claim as to the water right(s) set forth in the State's proposed Consent Order for any of the Subfile Numbers listed above, for each such Subfile Number please explain in the appropriate spaces below.

I object to the description of the water right(s) described by Subfile Number(s) CHCB-003-00015B as indicated in your letter dated 6/16/03 because

eventhough the 1953 Proof of Beneficial Use omitted the Chavez tract,  
now owned by the Archuleta's, all the proofs of use was made. The application was never dismissed and continues now pending and request it be granted. H.J. Guthmann's letter requesting dropping F. Chavez's request was never granted. F. Chavez was too poor & unable to pay Guthmann's attorney, survey and Association fees and is no reason to drop or deny claim. Said claim is now requested be reinstated & allowed with all prior proofs incorporated by reference together with proofs now presented as follows:

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1. District Court of Rio Arriba County, HM No. 5055 Appeal of the State Engineer Decision which included Affidavits of R. Chavez and others affirming and again without dropping the F. Chavez Claim.
2. US Patent <sup>10/11/63</sup> to Chavez, 11/12/63 Mortgage to Bank "qualifying" water rights" & 12/30/67 deed Chavez Madrid to David & Lydia Archuleta indicating ownership to Lot 3, T26N, and S 34 in T27N in Archuleta.
3. See photographs of USGLO brasscaps indicating Archuleta's boundary and possible encroachment by David Martinez, irrigation and cuttings of grain and ditch with fences.
4. See photographs <sup>airial photo</sup> of water pond built by predecessors, the CCCamp & about 500 yards below fenceline from ditch draining into pond and said pond being in continuous use since before the 10/31/73 US Patent!
5. See Attached Affidavits indicating Archuleta's continuous use, payment of ditch improvement & upkeep. (Attach additional pages if necessary)
6. Further Affidavits on Chavez's lack of money & being a sheep herder. I made a good faith effort to resolve my disagreement with the State's proposed Consent Order by the Archuleta's meeting with Mr. Newville and by presenting evidence to his continuous use; by Alfonso G. Sanchez, attorney for Archuleta meeting & discussing all the above and that F. Chavez Application was not & cannot be dismissed for mere "not cooperating" with Association or nonpayment of Attorney, survey or ditch association dues, and said Application is still pending and it should be granted, namely the 13 acres starting from the USGLO brasscap to the pond, which pond is on Archuleta's land, for his cattle use and all waters are only when "waters are available during runoffs, drainoff and when snow melts in the springtime. Archuleta's claim herein is the very last user on this ditch! If water rights are not granted, than no waters will ever get to the pond, which pond, long ago, intended that when waters were available, this lands should have water rights. This Pond & lands are entitled to any water left and not allow David Martinez to divert them else. (Attach additional pages if necessary)

A Jury Trial on all issues is requested, if Archuleta's 13 acres is denied

I claim no right for the water right(s) described by Subfile Number(s) \_\_\_\_\_ because \_\_\_\_\_

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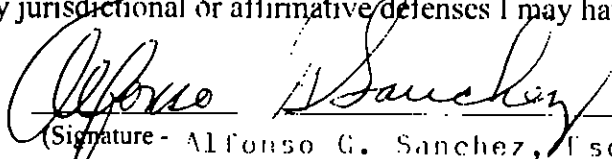


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(Attach additional pages if necessary)

2. I understand that by making this claim and filing this document I am not waiving my rights to later raise, in an Amended Answer, any jurisdictional or affirmative defenses I may have.

Dated: 5/25/03



(Signature - Alfonso G. Sanchez, Esq.  
Attorney for David & Lydia Archuleta

2953 Calle Princesa Juana  
Santa Fe, NM 87507

(Address: Print Clearly)

FAX-Phone: 1-505-471-3053

(Phone Number: Print Clearly)

**IMPORTANT: If you have been served with a summons and copy of the complaint in this action, or if you have waived service of process, you must file an answer in the United States District Court for the District of New Mexico by August 17, 2001. Any right you may have to use waters of the stream system may be adjudicated by default judgment in conformity with the State's proposed Consent Order if you fail to file an answer by August 17, 2001. The court's address is: 333 Lomas NW, Suite 270, Albuquerque, NM 87102, or P.O. Box 2384, Santa Fe, NM 87504. A copy of the answer filed with the district court must also be sent to the Office of the State Engineer, Legal Services Division, P.O. Box 25102, Santa Fe, NM 87504-5102.**

THE EXHIBITS ATTACHED TO THIS  
PLEADING ARE TOO VOLUMINOUS TO  
SCAN. SAID EXHIBITS ARE ATTACHED  
TO THE ORIGINAL PLEADING IN THE  
CASE FILE WHICH IS LOCATED IN THE  
RECORDS DEPARTMENT, U.S.  
DISTRICT COURT CLERK'S OFFICE.